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**TESTIMONY ON SB51 - FAVORABLE**

**Criminal Procedure – Reasonable Suspicion and Probable Cause – Cannabis**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Carol Stern

**My name is Carol Stern, and I am testifying in favor of SB51 including with any sponsor amendments, as a resident of Montgomery County’s District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.**

The Jewish sage, doctor and philosopher, Maimonides, lists five transgressions for which people do not repent. One of them is mistakenly suspecting an innocent person of doing wrong. One will justify his suspicion by saying, “I haven’t sinned. What did I do to harm that person?” He doesn’t realize that he commits a sin by considering an innocent person a transgressor. The racial bias in the criminal justice system means that, all too often, people of color face a presumption of guilt for crimes they did not commit.

In Maryland, Black drivers are more likely to be stopped and searched by police. For incidents involving Black drivers, probable cause (including the odor of cannabis) was used to justify 67% of searches, compared to 46% of incidents involving white drivers. Traffic stops disproportionately injure and kill drivers of color. Pulling drivers out of their car or stopping people on the street because of the lingering odor of a legal substance adds further danger to these stops. Banning odor searches would reduce unnecessary, harmful interactions with the police and eliminate a gateway to the unjust criminalization of Black and brown people.

Passing SB51 is most certainly an equity issue since preventing these pretextual stops and searches that overwhelmingly impact Marylanders of color is imperative. It’s also important to emphasize that SB51 will not stop police from investigating DUIs, if there is evidence that someone is driving impaired because of the use of drugs.

**I respectfully urge this committee to return a favorable report on SB51.**